

FORM NLRB-501

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

(2-08)

DO NOT WRITE IN THIS SPACE

Case 20-CA-256255

Filed 2/10/2020

INSTRUCTIONS:

File an original with NLRB Regional Director for the Region in which the alleged unfair labor practice occurred or is occurring.

| | | |
|---|--|--|
| 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT | | |
| a. Name of Employer Oakmont Golf Club | | b. Tel. No. 707 539 7891 |
| | | c. Cell No. |
| | | f. Fax No. |
| b. Address (Street, city, state, and ZIP code) 557 Oak Vista Court Santa Rosa, CA 95409 www.oakmontgc.com | e. Employer Representative Debra Kiddoo, President Andrew Trinkhno, Superintendent | g. e-Mail |
| | | h. Dispute Location (City and State) Santa Rosa, CA |
| i. Type of Establishment (factory, mine, wholesaler, etc.) Golf Club and Homeowners Association | j. Identify principal product or service Recreation | k. Number of workers at dispute location |
| 1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections 8(a)(1), 8(a)(3), and 8(a)(5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act. | | |
| 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) During the past six months, the above-named employer has failed and refused to negotiate with the Union by failing and refusing to negotiate a successor collective bargaining agreement, by failing and refusing to negotiate the Employer's proposed sale of the golf course, and by failing and refusing to negotiate over the Employer's unilateral changes, including the laying off of employees and the closing of the golf course. In addition, the Employer failed and refused to negotiate over the effects of those unilateral changes, including terminating benefit payments without negotiating and without an opportunity to negotiate and laying off all the employees without advance notice and opportunity to negotiate. In addition, the Employer has unilaterally changed the terms and conditions of employment without negotiating by ceasing to pay the contractual benefit payments, by laying off all the employees, and by closing the golf course. | | |
| 3. Full name of party filing charge (if labor organization, give full name, including local name and number) Laborers' Local 324; Northern California District Council of Laborers | | |
| 4a. Address (Street and number, city, state and ZIP code) Laborers' Local 324 611 Berrellesa Street Martinez, CA 94553 | | 4b. Tel. No. 925.228.0930 / 925.370.1586 |
| | | 4c. Cell No. |
| | | 4d. Fax No. 925.370.1586 / 925.469.6900 |
| | | 4e. e-Mail |
| 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Laborers International Union of North America, AFL-CIO | | |
| 6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. By <u>Paul Supton</u> (signature of representative or person making charge) Address Northern California District Council of Laborers 4780 Chabot Drive, Suite 200 Pleasanton, CA 94588 | | Tel. No. 925.460.5990 |
| | | Office, if any, Cell. No. |
| | | Fax No. 925.469.6900 |
| | | e-Mail |
| | | February 10, 2020 (date) |

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738

Agency Website: www.nlr.gov
Telephone: (415)356-5130
Fax: (415)356-5156



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February 13, 2020

Debra Kiddoo, President
Oakmont Golf Club, Inc.
557 Oak Vista Court
Santa Rosa, CA 95409

Re: Oakmont Golf Club
Case 20-CA-256255

Dear Ms. Kiddoo:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney RANDY M. GIRER whose telephone number is (628)221-8845. If this Board agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions

about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jill H. Coffman". The signature is fluid and cursive, with the first name "Jill" and last name "Coffman" clearly distinguishable.

JILL H. COFFMAN
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Andrew Trinkino, Superintendent
Oakmont Golf Club, Inc.
7025 Oakmont Drive
Santa Rosa, CA 95409

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

OAKMONT GOLF CLUB

Charged Party

and

**LABORERS' LOCAL 324; NORTHERN
CALIFORNIA DISTRICT COUNCIL OF
LABORERS**

Charging Party

Case 20-CA-256255

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 13, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Andrew Trinkino, Superintendent
Oakmont Golf Club, Inc.
7025 Oakmont Drive
Santa Rosa, CA 95409

Debra Kiddoo, President
Oakmont Golf Club, Inc.
557 Oak Vista Court
Santa Rosa, CA 95409

February 13, 2020

Date

Vicky Luu, Designated Agent of NLRB

Name

/s/ V Luu

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
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San Francisco, CA 94103-1738

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February 13, 2020

Laborers' Local 324; Northern California
District Council of Laborers
611 Berrellesa Street
Martinez, CA 94553

Re: Oakmont Golf Club
Case 20-CA-256255

Dear Sir or Madam:

The charge that you filed in this case on February 10, 2020 has been docketed as case number 20-CA-256255. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney RANDY M. GIRER whose telephone number is (628)221-8845. If this Board agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board

agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

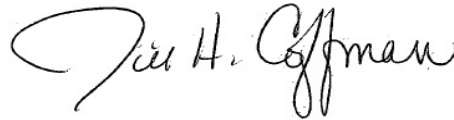
Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jill H. Coffman". The signature is fluid and cursive, with the first name "Jill" being more prominent.

JILL H. COFFMAN
Regional Director

cc: Paul Supton, Counsel
Northern California District Council
4780 Chabot Dr Ste 200
Pleasanton, CA 94588-3370

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Laborers' Local 324; Northern California District Council,

and

Oakmont Golf Club

CASE 20-CA-256255

☐ REGIONAL DIRECTOR ☒ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Interested Party, Oakmont Village Association

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)


NAME: Keahn N. Morris

MAILING ADDRESS: Sheppard, Mullin, Richter & Hampton LLP, Four Embarcadero Center, Floor 17, San Francisco, CA 94111

E-MAIL ADDRESS: kmorris@sheppardmullin.com

OFFICE TELEPHONE NUMBER: (415) 774-2934

CELL PHONE NUMBER: (949) 702-2219 FAX: (415) 434-3947

SIGNATURE: 

DATE: (Please sign in ink.) March 10, 2020

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

| | | | |
|--|--|----------------------------|------------|
| Form NLRB - 501 (2-08) | | DO NOT WRITE IN THIS SPACE | |
| UNITED STATES OF AMERICA | | Case | Date Filed |
| NATIONAL LABOR RELATIONS BOARD | | 20-CA-256255 | 04/16/2020 |
| FIRST AMENDED CHARGE AGAINST EMPLOYER | | | |
| INSTRUCTIONS: | | | |
| File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring. | | | |
| 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT | | | |

| | | |
|--|--|--|
| a. Name of Employer (1) Oakmont Golf Club, Inc. and (2) Oakmont Village Association As a single employer, alter ego and/or disguised continuance | | b. Tel. No. |
| | | c. Cell No. |
| d. Address (street, city, state ZIP code) (1) 7025 Oakmont Drive, Santa Rosa, CA 95409 (2) 6637 Oakmont Drive, Santa Rosa, CA 95409 | e. Employer Representative (1) Gary Smith, President (2) Steven Spanier, President | f. Fax No. |
| | | g. e-Mail |
| | | h. Dispute Location (City and State) Santa Rosa, CA |
| i. Type of Establishment (factory, nursing home, hotel) Golf Club and Homeowners Association | j. Principal Product or Service Recreation | k. Number of workers at dispute location |

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a) (1)(3)(5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

During the past six months, the above-named employer has failed and refused to negotiate with the Union by failing and refusing to negotiate a successor collective bargaining agreement, by failing and refusing to negotiate the Employer's proposed sale of the golf course, and by failing and refusing to negotiate over the Employer's unilateral changes, including the laying off of employees, the closing of the golf course, and performance of bargaining unit work by non-bargaining unit employees. In addition, the Employer failed and refused to negotiate over the effects of those unilateral changes, including terminating benefit payments without negotiating and without an opportunity to negotiate and laying off all the employees without advance notice and opportunity to negotiate. In addition, the Employer has unilaterally changed the terms and conditions of employment without negotiating by ceasing to pay the contractual benefit payments, by laying off all the employees, by the performance of bargaining unit work by non-bargaining unit employees, and by closing the golf course.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Laborers' Local 324; Northern California District Council of Laborers

| | | |
|--|--|---|
| 4a. Address (street and number, city, state, and ZIP code) Laborers' Local 324 611 Berrellesa Street Martinez, CA 94553 | Northern California District Council 4780 Chabot Drive, Suite 200 Pleasanton, CA 94588 | 4b. Tel. No. (925)228-0930 / (925)370-1586 |
| | | 4c. Cell No. |
| | | 4d. Fax No. (925)370-1586 / (925)469-6900 |
| | | 4e. e-Mail |

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)
Laborers International Union of North America, AFL-CIO

| | | |
|--|----------------------|---------------------------|
| 6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. | | Tel. No. (925)460-5990 |
| By: <u>Paul Supton</u> | Paul Supton, Counsel | Office, if any, Cell No. |
| (signature of representative or person making charge) | Print Name and Title | Fax No. (925)469-6900 |
| Address: Northern California District Council of Laborers 4780 Chabot Drive, Suite 200 Pleasanton, CA 94588 | Date: 04-16-20 | e-Mail |

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

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UNITED STATES GOVERNMENT
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April 21, 2020

Gary Smith, President
Oakmont Golf Club, Inc.
7025 Oakmont Drive
Santa Rosa CA 95409

Re: Oakmont Golf Club
Case 20-CA-256255

Dear Mr. Smith:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney RANDY M. GIRER whose telephone number is (628)221-8845. If the agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

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If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,



JILL H. COFFMAN
Regional Director

Enclosure: Copy of first amended charge

Steve Spanier, Employer Representative
Oakmont Village Association
6637 Oakmont Drive
Santa Rosa CA 95409

Keahn N. Morris, Attorney
Sheppard Mullin Richter & Hampton LLP
4 Embarcadero Center
17th Floor
San Francisco CA 94111

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

OAKMONT GOLF CLUB, INC.

Charged Party

and

**LABORERS' LOCAL 324; NORTHERN
CALIFORNIA DISTRICT COUNCIL OF
LABORERS**

Charging Party

Case 20-CA-256255

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on April 21, 2020, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Gary Smith, President
Oakmont Golf Club, Inc.
7025 Oakmont Drive
Santa Rosa CA 95409

April 21, 2020

Date

Caroline Barker, Designated Agent of NLRB

Name

/s/ Caroline Barker

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738

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April 16, 2020

Laborers' Local 324 Northern California
611 Berrellesa Street
Martinez CA 94553

Re: Oakmont Golf Club
Case 20-CA-256255

Dear Sir or Madam:

We have docketed the first amended charge that you filed in this case.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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JILL H. COFFMAN
Regional Director

cc: Paul Supton, Counsel
Northern California District Council
4780 Chabot Drive
Suite 200
Pleasanton CA 94588-3370



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April 21, 2020

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Oakmont Village Association
6637 Oakmont Drive
Santa Rosa CA 95409

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Dear Mr. Spanier:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney RANDY M. GIRER whose telephone number is (628)221-8845. If the agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its

determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink, reading "Jill H. Coffman". The signature is fluid and cursive, with the first name "Jill" and last name "Coffman" clearly legible.

JILL H. COFFMAN
Regional Director

Enclosure: Copy of first amended charge

cc: Keahn N. Morris, Attorney
Sheppard Mullin Richter & Hampton LLP
4 Embarcadero Center
17th Floor
San Francisco CA 94111

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

OAKMONT GOLF CLUB, INC.

Charged Party

and

**LABORERS' LOCAL 324; NORTHERN
CALIFORNIA DISTRICT COUNCIL OF
LABORERS**

Charging Party

Case 20-CA-256255

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on April 21, 2020, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Steven Spanier, President, Board of Directors
Oakmont Village Association
6637 Oakmont Drive
Santa Rosa CA 95409

Keahn N. Morris, Attorney
Sheppard Mullin Richter & Hampton LLP
4 Embarcadero Center
17th Floor
San Francisco CA 94111

April 21, 2020

Date

Caroline Barker, Designated Agent of NLRB

Name

/s/ Caroline Barker

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738

Agency Website: www.nlr.gov
Telephone: (415)356-5130
Fax: (415)356-5156

July 14, 2020

Paul Supton, Counsel
Laborers' Local 324, Northern California
District Council of Laborers
4780 Chabot Drive, Suite 200
Pleasanton, CA 94588-3370

Re: Oakmont Golf Club, Inc. and
Oakmont Village Association
Case 20-CA-256255

Dear Mr. Supton:

We have carefully investigated and considered your charge that Oakmont Golf Club, Inc. and Oakmont Village Association have violated the National Labor Relations Act (the Act).

Decision to Partially Dismiss: Based on that investigation, I have decided, for the reasons discussed below, to dismiss the following allegations of the charge: Oakmont Golf Club (OGC) and Oakmont Village Association (OVA) are a single employer, alter ego and/or disguised continuance; OGC and/or OVA violated Section 8(a)(3) of the Act; and, OGC and/or OVA violated Section 8(a)(5) of the Act by failing to bargain with Laborers' Local 324 (Union) regarding a successor contract, the sale and closure of the golf course, and the termination of payments to Union benefit funds.

The investigation disclosed insufficient evidence to establish that OGC and OVA are a single employer, alter ego and/or disguised continuance. First, the evidence fails to show common ownership of OVA and OGC, as only a small fraction of the member-owners of OVA, about 5-7%, are also member-owners of OGC. See e.g. *Oklahoma City E. Express*, 281 NLRB 921 (1986) (ownership of 19.8% insufficient to support alter ego status). In the absence of common ownership, the Board has found an alter ego relationship if there is evidence of substantial financial control. See e.g. *El Vocero de Puerto Rico, Inc.*, 357 NLRB 1585, 1585 fn. 3 (2011); *US Reinforcing*, 350 NLRB 404, 404 (2007). Here, although there is some evidence of historical cooperation between OVA and OGC in connection with land use and golf course operations, there is no evidence of substantial financial control of one entity over the other. Further, OVA and OGC have separate Boards of Directors. Again, although the investigation established that the separate Boards of Directors have historically cooperated on projects of mutual benefit, this is insufficient to establish common management.

The evidence is also insufficient to show that OGC and/or OVA laid off employees in violation of Section 8(a)(3) of the Act. The investigation disclosed that the laid-off employees were employed by OGC, not by OVA. Thus, I am dismissing the 8(a)(3) allegation as to OVA because the evidence fails to show that OGC and OVA are a single employer, alter ego and/or

disguised continuance. I am dismissing the 8(a)(3) allegation as to OGC because the evidence is insufficient to establish that OGC laid off its employees because of their Union activities or support. Rather, OGC laid off its employees because it was selling the golf course and ceasing operations. The evidence indicates that OGC would have laid off its employees regardless of their union activities or support pursuant to its closure and sale of the golf course, and the evidence fails to show that the sale of the golf course itself was motivated by anti-union considerations. Accordingly, the evidence is insufficient to establish that OGC laid off its employees because of their Union activities or support.

Finally, the evidence fails to establish that OGC or OVA violated Section 8(a)(5) of the Act by failing to bargain with the Union regarding a successor contract, the sale and closure of the golf course, and the termination of payments to Union benefit funds. The investigation confirmed that the Union represents employees of OGC, and it had a collective-bargaining agreement with OGC in effect through March 31, 2020. Because the evidence does not support that OGC and OVA are a single employer, alter ego and/or disguised continuance, I am dismissing all 8(a)(5) allegations as to OVA. As to OGC, because it was selling its property and closing its business prior to the expiration of its collective-bargaining agreement with the Union, it did not unlawfully refuse to bargain for a successor contract. In addition, OGC had no duty to bargain over the closure and sale of the golf course. An employer may cease doing business entirely, even if the decision to do so is based on anti-union considerations. *Textile Workers Union v. Darlington Mfg. Co.*, 380 U.S. 263, 270 (1965). Finally, the investigation established that OGC cured its delinquencies regarding certain payments to Union benefit funds. In these circumstances, the evidence is insufficient to support the alleged Section 8(a)(5) violations.

Remaining Allegations: The charge's remaining allegations that OGC violated Section 8(a)(1) and (5) of the Act by unilaterally assigning bargaining-unit work to non-bargaining-unit employees in January 2020 and refusing to bargain with the Union regarding the effects of the layoffs are subject to further proceedings.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact E-File@NLRB.gov).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

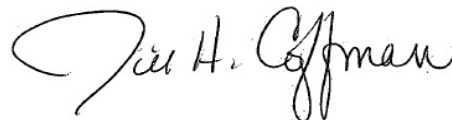
The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **July 28, 2020**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than July 27, 2020. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before July 28, 2020**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after July 28, 2020, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jill H. Coffman". The signature is fluid and cursive, with the first name "Jill" and last name "Coffman" clearly distinguishable.

JILL H. COFFMAN
Regional Director

Enclosure

cc: Gary Smith, President
Oakmont Golf Club, Inc.
7025 Oakmont Drive
Santa Rosa, CA 95409

David George
Business Agent
Laborers' Local 324, Northern California District Council of Laborers
611 Berrellesa Street
Martinez, CA 94553

Steven Spanier
President, Board of Directors
Oakmont Village Association
6637 Oakmont Drive
Santa Rosa, CA 95409

Keahn N. Morris, Attorney
Sheppard, Mullin, Richter & Hampton LLP
4 Embarcadero Center, 17th Floor
San Francisco, CA 94111

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20**

THE OAKMONT GOLF CLUB, INC.

and

Cases 20-CA-256255

**LABORERS' LOCAL 324, NORTHERN
CALIFORNIA DISTRICT COUNCIL OF
LABORERS**

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Laborers' Local 324, Northern California District Council of Laborers (Charging Party) against Oakmont Golf Club, whose correct name is The Oakmont Golf Club, Inc. (Respondent OGC). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Respondent OGC has violated the Act as described below.

1. (a) The charge in Case 20-CA-256255 was filed by the Charging Party on February 10, 2020, and a copy was served on Respondent OGC by regular mail on February 13, 2020.

(b) The first-amended charge in Case 20-CA-256255 was filed by the Charging Party on April 16, 2020, and a copy was served on Respondent OGC by regular mail on April 21, 2020.

2. (a) At all material times, Respondent OGC has been a California corporation with an office and place of business located at 7025 Oakmont Drive, Santa Rosa, California, and has been engaged in the operation of a golf club, golf course and restaurant (the Golf Course), selling golf games, services, equipment, food, and beverages to club members and to the public.

(b) During the calendar year ending December 31, 2019, Respondent OGC, in conducting its business operations described above in subparagraph 2(a), derived gross revenues in excess of \$500,000.

(c) During the period of time described above in subparagraph 2(b), Respondent OGC, in conducting its business operations described above in subparagraph 2(a), purchased and received at its Santa Rosa, California facility goods valued in excess of \$5,000 directly from points outside the State of California.

3. At all material times, Respondent OGC has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

4. At all material times, the Charging Party has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent OGC within the meaning of Section 2(11) of the Act and agents of Respondent OGC within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)
[Redacted]

-
-
-

(b) (6), (b) (7)(C)
[Redacted]

6. (a) The following employees of Respondent OGC constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act (the Unit):

All full-time and regular part-time laborer and maintenance golf course employees employed by Respondent OGC at The Oakmont Golf Club in Santa Rosa, California, excluding all salespersons, office clerical employees, Golf Pro Shop employees, seasonal employees, guards, and supervisors as defined by the Act.

(b) Since about 1990 and at all material times, Respondent OGC has recognized the Charging Party as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which was effective from April 1, 2019 to March 31, 2020.

(c) At all times since about 1990, based on Section 9(a) of the Act, the Charging Party has been the exclusive collective-bargaining representative of the Unit.

7. (a) About (b) (6), (b) (7)(C) 2019, Respondent OGC laid off its Unit employees (b) (6), (b) (7)(C).

(b) About (b) (6), (b) (7)(C) 2019, Respondent OGC laid off its Unit employees (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

(c) About (b) (6), (b) (7)(C) 2020, Respondent OGC laid off its Unit employees (b) (6), (b) (7)(C).

(d) About January 20, 2020, Respondent OGC closed the Golf Course.

(e) The subjects set forth above in subparagraphs 7(a), 7(b) and 7(c) relate to

wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

(f) On February 27, 2020, by letter, the Charging Party requested to bargain with Respondent OGC over the effects of the layoffs described above in subparagraphs 7(a), 7(b) and 7(c).

(g) Respondent OGC engaged in the layoffs described above in subparagraphs 7(a), 7(b) and 7(c) without affording the Charging Party an opportunity to bargain with Respondent OGC with respect to the effects of this conduct.

8. (a) About January 23, 2020, Respondent OGC authorized non-Unit employees to perform work at the Golf Course previously performed by Unit employees.

(b) The subject set forth above in subparagraph 8(a) relates to wages, hours, and other terms and conditions of employment of the Unit and is a mandatory subject for the purposes of collective bargaining.

(c) Respondent OGC engaged in the conduct described above in subparagraph 8(a) without prior notice to the Charging Party and without affording the Charging Party an opportunity to bargain with Respondent OGC with respect to this conduct and the effects of this conduct.

9. By the conduct described above in paragraphs 7 and 8, Respondent OGC failed and refused to bargain collectively with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

10. The unfair labor practices of Respondent OGC described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraph 7, the General Counsel seeks an Order requiring that Respondent OGC make whole its Unit employees in the manner set forth in *Transmarine Navigation Corp.*, 170 NLRB 389 (1968), as clarified in *Melody Toyota*, 325 NLRB 846 (1998).

FURTHER, as part of the remedy for the unfair labor practices alleged above in paragraph 8, the General Counsel seeks an Order compensating the Unit employees for wages and benefits lost as a result of Respondent OGC's unilateral actions.

FURTHER, as part of the remedy for the unfair labor practices alleged above, the General Counsel seeks an Order requiring Respondent OGC to post and mail the Notice to Employees in Spanish and in English.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent OGC is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Complaint. The answer must **be received by this office on or before July 30, 2020**. Respondent OGC should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that

the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the document need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

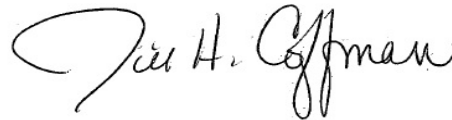
If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **October 19, 2020, at 9:00 a.m.**, at the Natalie P. Allen Memorial Courtroom, 901 Market Street, Fourth Floor, Suite 400, San Francisco, California, **or at another location or in another manner as ordered by the administrative law judge, including via videoconference**, and on consecutive days thereafter until concluded, a hearing

will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent OGC and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

DATED AT San Francisco, California, this 16th day of July, 2020.

A handwritten signature in black ink, reading "Jill H. Coffman". The signature is fluid and cursive, with the first name "Jill" starting with a large loop and the last name "Coffman" ending with a long, sweeping tail.

Jill H. Coffman, Regional Director
National Labor Relations Board
901 Market Street, Suite 400
San Francisco, CA 94103-1738

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 20-CA-256255

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Gary Smith, President
The Oakmont Golf Club, Inc.
7025 Oakmont Drive
Santa Rosa, CA 95409

Dave George, Business Agent
Laborers' Local Union No. 324
611 Berrellesa Street
Martinez, CA 94553-1599

Paul Supton, Esq.
Laborers' Local Union No. 324, Northern
California District Council of Laborers
4780 Chabot Dr Ste 200
Pleasanton, CA 94588-3370

Dave Thomas
Laborers' Local Union No. 324, Northern
California District Council of Laborers
4780 Chabot Drive, Suite 200
Pleasanton, CA 94588

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlrb.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility

of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20**

THE OAKMONT GOLF CLUB, INC.

and

Case 20-CA-256255

**LABORERS' LOCAL NO. 324; NORTHERN
CALIFORNIA DISTRICT COUNCIL OF
LABORERS**

AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 16, 2020, I served the above-entitled document(s) by **E-Issuance**, as noted below, upon the following persons, addressed to them at the following addresses:

Gary Smith, President
The Oakmont Golf Club, Inc.
7025 Oakmont Drive
Santa Rosa, CA 95409

E-Issuance

Dave George, Business Agent
Laborers' Local Union No. 324
611 Berrellesa Street
Martinez, CA 94553-1599

E-Issuance

Paul Supton, Esq.
Laborers' Local Union No. 324, Northern
California District Council of Laborers
4780 Chabot Dr Ste 200
Pleasanton, CA 94588-3370

E-Issuance

Dave Thomas
Laborers' Local Union No. 324, Northern
California District Council of Laborers
4780 Chabot Drive, Suite 200
Pleasanton, CA 94588

E-Issuance

July 16, 2020

Date

Susie Louie, Designated Agent of NLRB

Name

/s/ Susie Louie

Signature

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20**

THE OAKMONT GOLF CLUB, INC.

and

Case 20-CA-256255

**LABORERS' LOCAL 324, NORTHERN
CALIFORNIA DISTRICT COUNCIL OF
LABORERS**

ADVANCE GOLF PARTNERS TWO LLC

and

Case 20-CA-257146

**LABORERS' LOCAL 324, NORTHERN
CALIFORNIA DISTRICT COUNCIL OF
LABORERS**

and

**OAKMONT VILLAGE ASSOCIATION,
Party in Interest**

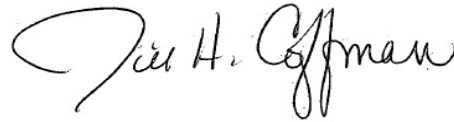
ORDER CONSOLIDATING CASES

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board, and to avoid unnecessary costs or delay, IT IS ORDERED that Case 20-CA-256255, which is based on a charge filed by Laborers' Local 324, Northern California District Council of Laborers (Charging Party) against The Oakmont Golf Club, Inc. (Respondent OGC) and in which a Complaint and Notice of Hearing issued on July 16, 2020, is consolidated with Case 20-CA-257146, which is based on a charge filed by the Charging Party against Advance Golf

The Oakmont Golf Club, Inc.
Complaint and Notice of Hearing
Case 20-CA-256255

Partners Two LLC (Respondent AGP) and in which a Complaint and Notice of Hearing issued on July 16, 2020.

DATED AT San Francisco, California, this 23rd day of July, 2020.

A handwritten signature in black ink, reading "Jill H. Coffman". The signature is fluid and cursive, with the first name "Jill" being more prominent and the last name "Coffman" written in a continuous script.

Jill H. Coffman
Regional Director
National Labor Relations Board, Region 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738

Attachments:

Complaint and Notice of Hearing: Case 20-CA-256155

Complaint and Notice of Hearing: Case 20-CA-257146

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20**

**THE OAKMONT GOLF CLUB, INC. AND
OAKMONT VILLAGE ASSOCIATION**

and

Case 20-CA-256255; 20-CA-257146

**LABORERS' LOCAL UNION NO. 324;
NORTHERN CALIFORNIA DISTRICT COUNCIL
OF LABORERS AND LABORERS' LOCAL
UNION NO. 324; NORTHERN CALIFORNIA
DISTRICT COUNCIL OF LABORERS**

and

**OAKMONT VILLAGE ASSOCIATION, BILLY
CASPER GOLF AND COURSECO, INC. /
OAKMONT GOLF, LLC**

AFFIDAVIT OF SERVICE OF ORDER CONSOLIDATING CASES

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **July 23, 2020**, I served the above-entitled document(s) by **e-issue** upon the following persons, addressed to them at the following addresses:

Gary Smith , President
The Oakmont Golf Club, Inc.
7025 Oakmont Drive
Santa Rosa, CA 95409

Dave George , Business Agent
Laborers' Local Union No. 324
611 Berrellesa Street
Martinez, CA 94553-1599

Paul Supton , Esq.
Laborers' Local Union No. 324, Northern
California District Council of Laborers
4780 Chabot Dr Ste 200
Pleasanton, CA 94588-3370

Dave Thomas
Laborers' Local Union No. 324, Northern
California District Council of Laborers
4780 Chabot Drive, Suite 200
Pleasanton, CA 94588

Kristina Hillman , Attorney
Weinberg, Roger and Rosenfeld
1001 Marina Village Parkwaym, Suite 200
Alameda, CA 94501-6430

Steven Spanier , President, Board of Directors
Oakmont Village Association
6637 Oakmont Drive
Santa Rosa, CA 95409

Keahn N. Morris , ESQ.
Sheppard, Mullin, Richter & Hampton LLP
4 Embarcadero Center, 17th Floor
San Francisco, CA 94111

Dave George , Business Agent
Laborers' Local Union No. 324, Northern
California District Council of Laborers
611 Berrellesa Street
Martinez, CA 94553-1537

Larry Galloway
Advance Golf Partners Two LLC
1607 Nelson Drive
Irving, TX 75038

Diane Aqui , Esq.
Smith Dollar PC
418 B Street, Fourth Floor
Santa Rosa, CA 95401

Advance Golf Partners
7025 Oakmont Drive
Santa Rosa, CA 95409

Adam C. Abrahms , Esq., Attorney at Law
Epstein Becker & Green, PC
1925 Century Park East, Ste. 500
Los Angeles, CA 90067-2506

Tom Reilly , Vice President, Human
Resources
Billy Casper Golf
12700 Sunrise Valley Dr, Suite 300
Reston, VA 20191

Mark S. Spring , Esq.
Carothers Disante & Freudenberger LLP
900 University Avenue, Suite 200
Sacramento, CA 95825-6737

Michael Sharp , President
CourseCo, Inc. / Oakmont Golf, LLC
5431 Old Redwood Hwy North, Suite 202
Petaluma, CA 94954

July 23, 2020

Date

Vicky Luu, Designated Agent of NLRB

Name

/s/ V Luu

Signature

FORM NLRB-501

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

(2-08)

DO NOT WRITE IN THIS SPACE

Case 20-CA-257146 Filed 2/27/2020

INSTRUCTIONS:

File an original with NLRB Regional Director for the Region in which the alleged unfair labor practice occurred or is occurring.

| | | |
|---|---|---|
| 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT | | |
| a. Name of Employer Oakmont Village Association and Advance Golf Partners | | b. Tel. No. OVA: (707) 539-1611 |
| | | c. Cell No. Steve Spanier, OVA: (707) 779-9718 |
| | | AGP: (707) 539-0415 |
| | | f. Fax No. |
| b. Address (Street, city, state, and ZIP code) Oakmont Village Association 6637 Oakmont Drive Santa Rosa, CA 95409 Advance Golf Partners 7025 Oakmont Drive Santa Rosa, CA 95409 | e. Employer Representative Steve Spanier, Oakmont Village Assoc. Larry Galloway, Advance Golf Partners Debbie Reiber, Advance Golf Partners | g. e-Mail steve@oakmontvillage.com |
| | | h. Dispute Location (City and State) Santa Rosa, CA |
| i. Type of Establishment (factory, mine, wholesaler, etc.) Golf Club and Homeowners Association | j. Identify principal product or service Operation of Oakmont Golf Course | k. Number of workers at dispute location |
| 1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections 8(a)(1), 8(a)(3), and 8(a)(5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act. | | |
| 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) During the past six months, the above-named employers, by their agents, have failed and refused to retain the incumbent employees of Oakmont Golf Course and/or failed and refused to hire the employees of the Oakmont Golf Course and/or failed and refused to notify the employees that the operators were hiring employees for the golf course in order to ensure that the employees working on the golf course would be deprived of their union representation, all in violation of Sections 8(a)(1), 8(a)(3), and 8(a)(5) of the Act. | | |
| 3. Full name of party filing charge (if labor organization, give full name, including local name and number) Laborers' Local 324; Northern California District Council of Laborers | | |
| 4a. Address (Street and number, city, state and ZIP code) Laborers' Local 324 611 Berrellesa Street Martinez, CA 94553 Northern California District Council 4780 Chabot Drive, Suite 200 Pleasanton, CA 94588 | | 4b. Tel. No. 925.228.0930 / 925.469.6800 |
| | | 4c. Cell No. |
| | | 4d. Fax No. 925.370.1586 / 925.469.6900 |
| | | 4e. e-Mail |
| 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Laborers International Union of North America, AFL-CIO | | |
| 6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. By <u>Paul Supton</u> (signature of representative or person making charge) Address Northern California District Council of Laborers 4780 Chabot Drive, Suite 200 Pleasanton, CA 94588 | | Tel. No. 925.460.5990 |
| | | Office, if any, Cell. No. |
| | | Fax No. 925.469.6900 |
| | | e-Mail |
| | | February 27, 2020 (date) |

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738

Agency Website: www.nlr.gov
Telephone: (415)356-5130
Fax: (415)356-5156



Download
NLRB
Mobile App

February 28, 2020

Steve Spanier
Oakmont Village Association
6637 Oakmont Drive
Santa Rosa, CA 95409

Re: Oakmont Village Association and Advance
Golf Partners
Case 20-CA-257146

Dear Mr. Spanier:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney RANDY M. GIRER whose telephone number is (628)221-8845. If this Board agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

February 28, 2020

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

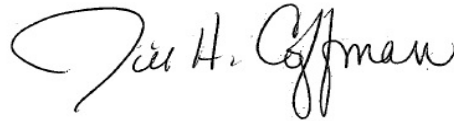
February 28, 2020

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jill H. Coffman". The signature is fluid and cursive, with the first name "Jill" being more prominent.

JILL H. COFFMAN
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Larry Galloway
Advance Golf Partners
7025 Oakmont Drive
Santa Rosa, CA 95409

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**OAKMONT VILLAGE ASSOCIATION AND
ADVANCE GOLF PARTNERS**

Charged Party

and

LABORERS LOCAL 324

Charging Party

Case 20-CA-257146

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 28, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Steve Spanier
Oakmont Village Association
6637 Oakmont Drive
Santa Rosa, CA 95409

Larry Galloway
Advance Golf Partners
7025 Oakmont Drive
Santa Rosa, CA 95409

February 28, 2020

Date

Enter NAME, Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738

Agency Website: www.nlrb.gov
Telephone: (415)356-5130
Fax: (415)356-5156



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February 28, 2020

PAUL SUPTON
Laborers' Local 324
Northern California District Council of Laborers
611 Berrellesa Street
Martinez, CA 94553-1537

Re: Oakmont Village Association and Advance
Golf Partners
Case 20-CA-257146

Dear Mr. SUPTON:

The charge that you filed in this case on February 27, 2020 has been docketed as case number 20-CA-257146. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney RANDY M. GIRER whose telephone number is (628)221-8845. If this Board agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Qualifying for Backpay: We are just beginning to investigate your charge and no decision has been made regarding the merits of your case. However, it is important that employees who might be entitled to backpay because of loss of employment understand their

obligation to look for work in order to qualify for backpay if your case has merit. Accordingly, we urge you to promptly provide the Board agent with the names and addresses of all employees who might be entitled to backpay as a result of the charge you filed.

If backpay is due to an employee, the Board requires that the employee offset the backpay by promptly beginning to look for another job in the same or similar line of work. The Board has held that a reasonably diligent employee should begin searching for interim work within 2 weeks after the employee's termination or layoff or a refusal to hire the employee. If an employee cannot establish that he or she actively tried to mitigate his or her losses, the amount of money owed to the employee might be reduced.

Employees who might be owed backpay should keep careful records of when and where they have sought employment and of job search expenses such as mileage, parking, and copying resumes. Specifically, they should keep a record of each time they attempt to find work, including the date, name of the company, name of person with whom they spoke, the position sought, and the response received.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jill H. Coffman". The signature is fluid and cursive, with the first name "Jill" and last name "Coffman" clearly distinguishable.

JILL H. COFFMAN
Regional Director

cc: Paul Supton, Counsel
Northern California District Council
4780 Chabot Dr Ste 200
Pleasanton, CA 94588-3370

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Laborers' Local 324; Northern California District Council of
Laborers

and

Oakmont Village Association and Advance Golf Partners

CASE 20-CA-257146

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Advance Golf Partners

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Diane Aqui, Smith Dollar PC

MAILING ADDRESS: 418 B Street, Fourth Floor, Santa Rosa, CA 95401

E-MAIL ADDRESS: daqui@smithdollar.com

OFFICE TELEPHONE NUMBER: 707-522-1100

CELL PHONE NUMBER: 707-236-0932

FAX: 707-522-1101

SIGNATURE: _____

(Please sign in ink.)

DATE: _____

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Laborers' Local 324; Northern California District Council,

and

Oakmont Village Association; Advance Golf Partners

CASE 20-CA-257146

☐ REGIONAL DIRECTOR



EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570



GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Respondent, Oakmont Village Association

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:



REPRESENTATIVE IS AN ATTORNEY



IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)


NAME: Keahn N. Morris

MAILING ADDRESS: Sheppard, Mullin, Richter & Hampton LLP, Four Embarcadero Center, Floor 17, San Francisco, CA 94111

E-MAIL ADDRESS: kmorris@sheppardmullin.com

OFFICE TELEPHONE NUMBER: (415) 774-2934

CELL PHONE NUMBER: (949) 702-2219 FAX: (415) 434-3947

SIGNATURE: 

DATE: (Please sign in ink.) March 10, 2020

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738

Agency Website: www.nlrb.gov
Telephone: (415)356-5130
Fax: (415)356-5156

July 14, 2020

Paul Supton, Attorney
Northern California District Council of Laborers
4780 Chabot Drive, Suite 200
Pleasanton, CA 94588

Re: Oakmont Village Association and Advance
Golf Partners
Case 20-CA-257146

Dear Mr. Supton:

We have carefully investigated and considered your charge that Oakmont Village Association (OVA) and Advanced Golf Partners (AGP) have violated the National Labor Relations Act (the Act).

Decision to Partially Dismiss: Based on that investigation, I have decided to dismiss the allegations against OVA because the evidence fails to support that OVA is a successor employer to Oakmont Golf Club. Although the investigation established that OVA purchased Oakmont Golf Club, it also established that since about February 6, 2020, pursuant to a lease agreement, AGP has managed the golf course purchased by OVA and is the employer of the golf course groundskeepers. There is insufficient evidence that OVA had any role in the staffing of the golf course, which it leased to AGP. Moreover, although OVA and AGP share some common management of the golf course pursuant to the lease agreement, the evidence is insufficient to establish that OVA and AGP are a single employer or alter egos. In particular, there is no evidence of common ownership. Generally, the Board has found that the lack of substantially identical ownership precludes a finding of alter ego status. *US Reinforcing, Inc.*, 350 NLRB 404, 404-405 (2007). Accordingly, I am dismissing all allegations against OVA.

The remaining portions of the charge alleging that AGP violated Section 8(a)(1), (3) and (5) of the Act by refusing to consider for hire and refusing to hire the former Oakmont Golf Club employees are subject to further proceedings.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available

July 14, 2020

at www.nlrb.gov. If you require additional assistance with E-Filing, please contact E-File@NLRB.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

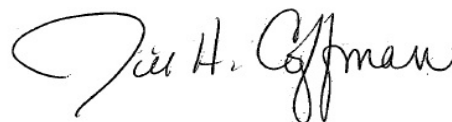
The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **July 28, 2020**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than July 27, 2020. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before July 28, 2020**. The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after July 28, 2020, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,



July 14, 2020

JILL H. COFFMAN
Regional Director

Enclosure

cc: Steven Spanier
President, Board of Directors
Oakmont Village Association
6637 Oakmont Drive
Santa Rosa, CA 95409

Keahn N. Morris, Attorney
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David George
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Larry Galloway
Advance Golf Partners
7025 Oakmont Drive
Santa Rosa, CA 95409

Diane Aqui, Attorney
Smith Dollar PC
418 B Street, Fourth Floor
Santa Rosa, CA 95401

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20**

ADVANCE GOLF PARTNERS TWO LLC

and

20-CA-257146

**LABORERS' LOCAL 324, NORTHERN
CALIFORNIA DISTRICT COUNCIL OF
LABORERS**

and

**OAKMONT VILLAGE ASSOCIATION,
Party in Interest.**

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Laborers' Local 324, Northern California District Council of Laborers (Charging Party) against Advance Golf Partners, whose correct name is Advance Golf Partners Two LLC (Respondent AGP). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Respondent AGP has violated the Act as described below.

1. (a) The charge in Case 20-CA-257146 was filed by the Charging Party on February 27, 2020.
- (b) A copy of the charge in Case 20-CA-257146 was served on Respondent AGP by regular mail on February 28, 2020.
- (c) A copy of the charge in Case 20-CA-257146 was served on Oakmont Village Association by regular mail on February 28, 2020.

2. (a) At all material times, Respondent AGP has been a California limited liability company with an office and place of business located at 7025 Oakmont Drive, Santa Rosa, California, and has been engaged in the operation of a golf course (the Golf Course), selling golf games and services.

(b) Based on a projection of its operations since about February 6, 2020, at which time it commenced its operation of the Golf Course, Respondent AGP, in conducting its business operations described above in subparagraph 2(a), will annually derive gross revenues in excess of \$500,000.

(c) Based on a projection of its operations since about February 6, 2020, at which time it commenced its operation of the Golf Course, Respondent AGP, in conducting its business operations described above in subparagraph 2(a), will annually purchase and receive at its Santa Rosa, California facility goods valued in excess of \$5,000 directly from points outside the State of California.

(3) At all material times, Respondent AGP has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

4. At all material times, the Charging Party has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent AGP within the meaning of Section 2(11) of the Act and agents of Respondent AGP within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)

-

(b) (6), (b) (7)(C)

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6. (a) Prior to February 6, 2020, the Golf Course was owned and operated by The Oakmont Golf Club, Inc.

(b) On or about February 6, 2020, Oakmont Village Association purchased the Golf Course from The Oakmont Golf Club, Inc.

(c) On or about February 6, 2020, pursuant to a lease agreement between Respondent AGP and Oakmont Village Association through its subsidiary Oakmont Village Property Association, Respondent AGP assumed the operation and management of the Golf Course and since then has continued to operate the Golf Course in basically unchanged form from the operation of the Golf Course by The Oakmont Golf Club, Inc.

(d) But for the conduct described below in paragraph 8, Respondent AGP would have employed, as a majority of its bargaining-unit employees at the Golf Course, individuals who were previously employees of The Oakmont Golf Club, Inc.

(e) Based on the conduct described below in paragraph 8 and the operations described above in paragraph 2, Respondent AGP has continued the employing entity and is a successor to The Oakmont Golf Club, Inc. with respect to the Golf Course.

7. (a) The following employees of The Oakmont Golf Club, Inc. constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act (the Unit):

All full-time and regular part-time laborer and maintenance golf course employees employed by The Oakmont Golf Club, Inc. at The Oakmont Golf Club in Santa Rosa, California, excluding all salespersons, office clerical employees, Golf Pro Shop employees, seasonal employees, guards, and supervisors as defined by the Act.

(b) From about 1990 to February 6, 2020, The Oakmont Golf Club, Inc. recognized the Charging Party as the exclusive collective-bargaining representative of the Unit. This recognition was embodied in successive collective-bargaining agreements, the most recent of which was effective from April 1, 2019 to March 31, 2020.

(c) From about 1990 to February 6, 2020, based on Section 9(a) of the Act, the Charging Party had been the exclusive collective-bargaining representative of the Unit employed by The Oakmont Golf Club, Inc.

(d) At all times since February 6, 2020, based on the facts and conduct described in paragraph 6, subparagraphs 7(a), (b) and (c), and paragraph 8 herein, and based on Section 9(a) of the Act, the Charging Party has been the designated exclusive collective-bargaining representative of Respondent AGP's employees in the Unit.

8. (a) Beginning at least by mid-January 2020, Respondent AGP implemented a plan to hire employees to perform the work of the Unit employees and established a hiring procedure and engaged in other conduct designed to exclude or limit the hiring of Unit employees formerly employed by The Oakmont Golf Club, Inc.

(b) Since about (b) (6), (b) (7)(C) 2020, Respondent AGP refused to hire, or consider for hire, former employees of The Oakmont Golf Club, Inc. for employment at the Golf Course, including, but not limited to: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(c) Respondent AGP engaged in the conduct described above in subparagraphs 8(a) and (b) because the employees formed, joined and/or assisted the Charging Party and engaged in concerted activities, and/or to discourage employees from engaging in these activities, and/or to avoid the obligation to recognize and bargain with the Charging Party as the exclusive collective-bargaining representative of the Unit.

9. (a) By telephone on or about January 23, 2020 and March 5, 2020, the Charging Party requested that Respondent AGP recognize the Charging Party as the exclusive collective-bargaining representative of the Unit.

(b) Since about January 23, 2020 and/or March 5, 2020, Respondent AGP has failed and refused to recognize and bargain collectively with the Charging Party as the exclusive collective-bargaining representative of the Unit.

(c) Sometime after January 23, 2020, on a date or dates presently unknown to the General Counsel but known to Respondent AGP, Respondent AGP unilaterally established initial terms and conditions of employment of the Unit, including, but not limited to, wages and medical insurance.

(d) The subjects set forth above in subparagraph 9(c) relate to wages, hours and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

(e) Respondent AGP engaged in the conduct described above in subparagraph 9(c) without prior notice to the Charging Party and without affording the Charging Party an opportunity to bargain with Respondent AGP with respect to this conduct.

10. By the conduct described above in paragraph 8, Respondent AGP has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

11. By the conduct described above in paragraph 9, Respondent AGP has been failing and refusing to bargain collectively with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

12. The unfair labor practices of Respondent AGP described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

FURTHER, as part of the remedy for the unfair labor practices alleged above, the General Counsel seeks an Order requiring Respondent AGP to post and mail the Notice to Employees in Spanish and in English.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent AGP is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Complaint. The answer must **be received by this office on or before July 30, 2020**. Respondent AGP must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on

each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission.

If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT **on October 19, 2020, at 9:00 a.m.**, at the Natalie P. Allen Memorial Courtroom, 901 Market Street, Fourth Floor, Suite 400, San Francisco, California, **or at another location or in another manner as ordered by the administrative law judge, including via videoconference**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent AGP and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

DATED AT San Francisco, California, this 16th day of July, 2020.



Jill H. Coffman, Regional Director
National Labor Relations Board
Region 20
901 Market Street, Suite 400
San Francisco, CA 94103-1738

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 20-CA-257146

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Steven Spanier, President, Board of Directors
Oakmont Village Association
6637 Oakmont Drive
Santa Rosa, CA 95409

Keahn N. Morris, Esq.
Sheppard, Mullin, Richter & Hampton LLP
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Dave George, Business Agent
Laborers' Local Union No. 324, Northern
California District Council of Laborers
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Paul Supton, Esq.
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Dave Thomas
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California District Council of Laborers
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Pleasanton, CA 94588

Larry Galloway
Advance Golf Partners Two LLC
1607 Nelson Drive
Irving, TX 75038

Diane Aqui, Esq.
Smith Dollar PC
418 B Street Fourth Floor
Santa Rosa, CA 95401

Advance Golf Partners Two LLC
7025 Oakmont Drive
Santa Rosa, CA 95409

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlrb.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility

of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 20**

ADVANCE GOLF PARTNERS TWO LLC

and

20-CA-257146

**LABORERS' LOCAL 324, NORTHERN
CALIFORNIA DISTRICT COUNCIL OF
LABORERS**

and

**OAKMONT VILLAGE ASSOCIATION,
Party in Interest**

AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 16, 2020, I served the above-entitled document(s) by **E-Issuance or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

Larry Galloway
Advance Golf Partners Two LLC
1607 Nelson Drive
Irving, TX 75038

E-Issuance

Diane Aqui, Esq.
Smith Dollar PC
418 B Street Fourth Floor
Santa Rosa, CA 95401

E-Issuance

Advance Golf Partners Two LLC
7025 Oakmont Drive
Santa Rosa, CA 95409

FIRST CLASS MAIL

Dave George, Business Agent
Laborers' Local Union No. 324, Northern
California District Council of Laborers
611 Berrellesa Street
Martinez, CA 94553-1537

E-Issuance

Paul Supton, Esq.
Laborers' Local Union No. 324, Northern
California District Council of Laborers
4780 Chabot Dr Ste 200
Pleasanton, CA 94588-3370

E-Issuance

Dave Thomas
Laborers' Local Union No. 324, Northern
California District Council of Laborers
4780 Chabot Drive, Suite 210
Pleasanton, CA 94588

E-Issuance

Steven Spanier, President, Board of Directors
Oakmont Village Association
6637 Oakmont Drive
Santa Rosa, CA 95409

E-Issuance

Keahn N. Morris, Esq.
Sheppard, Mullin, Richter & Hampton LLP
4 Embarcadero Center, 17th Floor
San Francisco, CA 94111

E-Issuance

July 16, 2020

Date

Susie Louie, Designated Agent of NLRB

Name

/s/ Susie Louie

Signature

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

| |
|---|
| THE OAKMONT GOLF CLUB, INC., Employer |
| and |
| LABORERS' LOCAL 324, NORTHERN CALIFORNIA DISTRICT COUNCIL OF LABORERS, Union |

CASE 20-CA-256255

☐ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
LABORERS' LOCAL 324


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

| | |
|--|-------------------|
| NAME: Kristina L. Hillman | |
| MAILING ADDRESS: Weinberg, Roger & Rosenfeld, 1001 Marina Village Parkway, Suite 200, Alameda, CA 94501 | |
| E-MAIL ADDRESS: nlr notices@unioncounsel.net, khillman@unioncounsel.net | |
| OFFICE TELEPHONE NUMBER: 510-337-1001 | |
| CELL PHONE NUMBER: | FAX: 510-337-1023 |
| SIGNATURE:  | |
| DATE: (Please sign in ink.) 7/20/2020 | |

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.